

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Faith Copp

v.

Case No. 05-cv-214-PB

Freudenberg-NOK General
Partnership, et al.

NOTICE OF RULING

Re: Document No. 23, Motion to Reconsider

Ruling: Motion granted. When I ruled on the motion to dismiss, I mistakenly assumed that Freudenberg & Company was a partner in Freudenberg - NOK General Partnership. After reviewing the affidavit submitted by Freudenberg & Company in support of its motion to dismiss for lack of personal jurisdiction, I now understand that Freudenberg & Company is the owner of two corporations that in turn are partners in a partnership that is itself a partner in Freudenberg-NOK General Partnership. Because Freudenberg & Company is a shareholder of corporations that are partners in a chain of partnerships leading to FNGP rather than a partner in FNGP, it is not entitled to protection under the Workers' Compensation immunity provision unless it is the alter ego of the corporations it owns. See Leeman v. Boylan, 134 N.H. 230, 233 (1991). This is an issue that cannot be determined on a motion to dismiss. Plaintiff's claim against Freudenberg & Company is reinstated. I will rule on the personal jurisdiction issue in a separate order.

Date: January 3, 2006

cc: Andrew D. Dunn, Esq.
Matthew J. Lahey, Esq.